

GILA COUNTY BOARD OF ADJUSTMENT
Gila County Supervisors Conference Room
610 E. Highway 260, Payson, AZ
Community Development Conference Room
745 N. Rose Mofford Way, Globe, AZ

March 21, 2019
9:00 A.M.

A G E N D A

REGULAR MEETING

1. Call to Order
2. Pledge of Allegiance
3. Roll Call: Mary Lou Myers, Bill Marshall, Mickie Nye
4. Review and Approval of Minutes of the Board of Adjustment Hearing on January 17, 2019.

5. **Director/Planner Communication:**

At any time during this meeting of the Board of Adjustment, the Director and/or Planner of Community Development may present a brief summary of current events. No action may be taken.

Public Hearing:

6. **V-19-01 Ron Sattelmaier for Water Wheel Fire and Medical District:**

The applicant is requesting a variance to allow a 40 square foot sign that is located on the fire house building to remain, where 6 square foot is the maximum size permitted in the zoning district.

7. Adjournment

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MINUTES OF THE GILA COUNTY

BOARD OF ADJUSTMENT

Thursday, January 17, 2019

GILA COUNTY BOARD OF SUPERVISORS CONFERENCE ROOM

610 E. Highway 260, Payson, AZ

GILA COUNTY COMMUNITY DEVELOPMENT CONFERENCE ROOM

745 N. Rose Mofford Way, Globe, AZ

9:00 A.M.

REGULAR MEETING

1. The meeting was called to order at 9:00 A.M. by Mickie Nye (Chairman).
2. Pledge of Allegiance was led by Bill Marshall.
3. Roll Call: Therese Berumen did the roll call; Mickie Nye (in Globe), Bill Marshall (in Globe) and Mary Lou Myers (in Payson) are all present. A quorum is present.

Community Development Staff Members Present: Michelle Dahlke-Senior Planner and Therese Berumen-Administrative Assistant.

4. Review and Approval of the Board of Adjustment Minutes on December 20, 2018. Chairman Mickie Nye asked if there were any changes needed to the minutes. No changes were suggested. Bill Marshall motioned that the minutes be approved as is and Mary Lou Myers seconded the motion. The motion was unanimously approved.
5. **Director/Planner Communication:** At any time during this meeting of the Board of Adjustment, Director Scott Buzan and/or Planner Michelle Dahlke of Community Development may present a brief summary of current events. No action may be taken.

Michelle Dahlke recommended that the Board move agenda item number 7 before agenda item number 6. Mickie Nye asked the Board if they had any objections and none were had.

Appeals:

6. **AV-18-22 Beaver Valley Improvement Association:** Application was approved by the Community Development Division and appealed by Michael Armstead.

Michelle Dahlke read a memo that was submitted by staff. "Mr. Chairman and members of the Board: After the staff report for the appeal was completed and the agenda packets produced and distributed, the property owner who filed the appeal now alleges that the building addition permitted and constructed in 2005 and the subject of this Administrative Variance, is partly on his property. The building's current owner disagrees. With this new allegation and the reasons provided in the appeal letter that deal with ownership, legal use, and a supposed encroachment regarding a utility easement that allegedly runs between the two properties, it is staff's recommendation that the Board suspend their decision on the appeal to the Administrative Variance approval for at least 60 days to allow the two adjoining property owners an opportunity to come to an agreement in regards to the location of the addition in relation to the common property line and the issues with the utility easement." Mickie Nye asked Michelle Dahlke if 60 days was enough time. Michelle Dahlke stated that the Board could make it longer, but 60 days

seemed appropriate, but we really don't know. We will keep in contact with the applicant and if we get a heads up that it will take longer, we can put it on the agenda and have the Board table it for a longer period of time.

Mary Lou Myers motioned that agenda item number 7, AV-18-22 Beaver Valley Improvement Association be suspended for 60 days. The motion was seconded by Bill Marshall. The motion was unanimously approved.

7. **U-18-17 Lance Stuber:** Application was approved by the Community Development Division and appealed by Rosemary Paul.

Michelle Dahlke presented the staff report overview. On October 30, 2018, the County received a complaint about a fence on the subject property that exceeded 6' in height (Gila County Complaint Number CP1810-010) which is a violation of the County Zoning Ordinance. Upon an inspection, staff confirmed that the subject fence had a height that varies between 6' and 7' tall from the top of the fence to grade and informed Mr. Stuber that a use permit is required for a fence over 6' in height. Mr. Stuber submitted a use permit request on November 2, 2018. As part of the complaint process, Mr. Stuber was notified of the remedies in place to rectify the violation, namely, to obtain use permit approval and a building permit for the fence. Mr. Stuber indicated he was not aware that the fence was constructed in violation of current zoning ordinance requirements. He indicated that the fence was erected to keep elk off of the property which have been causing a significant amount of destruction to his landscaping and other improvements. On November 30, 2018, staff approved the use permit for the fence. The Paul's submitted an appeal letter dated December 19, 2018 which was received by the County on the same day.

The meeting was opened to public comment. Lance Stuber (applicant) stated that he wanted to apologize to Mr. and Mrs. Paul that he didn't obtain his permits beforehand and because there are so many other fences over 6 feet in Strawberry, he didn't realize he needed a permit for it. He also stated that he hopes they can continue to have a successful relationship in spite of this. I was caught off guard by Mr. and Mrs. Paul going directly to the county and not coming to me to talk about this. I just also want to say, that Mr. and Mrs. Paul have 8-foot fences around two of their trees. I am not here complaining about their fence but feel they can protect their property as they see fit and I will do the same. Mickie Nye asked if only some sections of the fence are 8-feet. Lance Stuber stated the eastern property line is shared with a neighbor and is guarded by some hedges and gardens, so it would only be the northern, western and southern sections that are exposed. Also, it is a 7-foot fence, not 8-foot. Rosemary Paul stated firstly, that she doesn't believe she needed to speak to him prior to making a complaint because the fence was erected and completed prior to anything being done. Secondly, as far as the elk are concerned, they have been here a long time and they trim my trees beautifully. Sure, they come in and eat my flowers, but I don't care because they are hungry, and this is where they live. I also believe it is going overboard to put up a 7-foot fence. Mary Lou Myers stated that she feels that we all have a right to protect our property. I understand Mr. Stuber didn't come into the county before he put up the fence, but he didn't know he needed to, and a lot of people don't realize that. I have been to the property and looked at the fence. I thought it was a pretty nice-looking fence. I also noticed that Mrs. Paul has some very tall fences around her fruit trees, that some might find offensive. Bill Marshall stated that when he lived in Round Valley, he had beautiful apple trees and the bull elk would destroy them. I tried everything to keep them out, so I understand what Mr. Stuber is going through. Mickie Nye stated that he has already asked

what happens when people build without permits. What is the process with the county and are there any fines. Also, is there a proactive way the county is moving forward to make the citizens aware of the correct procedures. Mickie Nye asked Michelle Dahlke if she had anything else she wanted to comment on. Michelle Dahlke stated only that staff recommends the Board of Adjustment uphold the November 30, 2018 decision letter to approve the use permit request to allow the existing fence to remain subject to the following stipulation: A building permit must be obtained from the Gila County Community Development Department for the fence. Depending upon the fence design, engineered plans may be required. Mary Lou Myers asked if Mr. Stuber has gotten his permit yet. Michelle Dahlke stated that he would have to wait until after the decision from the Board before he proceeds. Bill Marshall asked why in the recommendation, for the stipulation it states engineered plans may be required. Michelle Dahlke stated that any fence that is over 6-feet in height, it may be a possibility that our plan reviewer may need more information than just a simple elevation. This is just standard language with the intent to alert the applicant, that there may be some additional information required with the building permit submittal. No other public comments. The public comment portion of the meeting was closed.

Mary Lou Myers motioned that agenda item number 6, U-18-17 for Lance Stuber, be approved to uphold the November 30, 2018 decision letter for the use permit request to allow the existing fence to remain subject to the stipulation that a building permit must be obtained from the Gila County Community Development Department for the fence and depending upon the fence design, engineered plans may be required. The motion was seconded by Bill Marshall. The motion was unanimously approved.

8. Adjournment. Mary Lou Myers made a motion to adjourn the meeting and Bill Marshall seconded the motion. The motion to adjourn was unanimously approved at 9:19 A.M.



**STAFF REPORT
TO THE
BOARD OF ADJUSTMENT
VARIANCE APPLICATION V-19-01**



**V-19-01
Public Hearing
March 21, 2019
610 E. Highway 260
Payson, AZ**

I. Application

Applicant Name	Ron Sattelmanier, Water Wheel Fire and Medical District
Applicant Address	10603 North Houston Mesa Road, Payson, Arizona 85541
Site Address	10603 North Houston Mesa Road, Payson, Arizona 85541
APN Number(s)	302-16-052A
Current Zoning	R1L-D35
Application Number	V-19-01

II. Purpose of the Request

The applicant is requesting a Variance to allow a 40 square foot sign on the Water Wheel Fire and Medical District (the “District”) building where 6 square feet is the maximum permitted.

III. Background

Per the District, a sign had been located on the District building for approximately 30 years. The sign eventually needed to be replaced and money was raised to have a new sign designed and installed.

The County issued a permit for the replacement sign; however, due to confusion regarding the zoning designation of the property, staff determined that the sign exceeded the maximum sign area permitted in a residentially zoned area. The required inspection process has been placed on hold until a decision is made regarding the variance. Note: that had the new sign been constructed to the same dimensions as the prior sign, there would be no need for a Variance. The prior sign was grandfathered with respect to its size and a replacement sign of the same size would have been permitted. Increasing the size of the sign triggers the Variance requirement.



Figure 1: Fire and Medical District Building



Figure 2: New Sign Installed on Fire and Medical Building

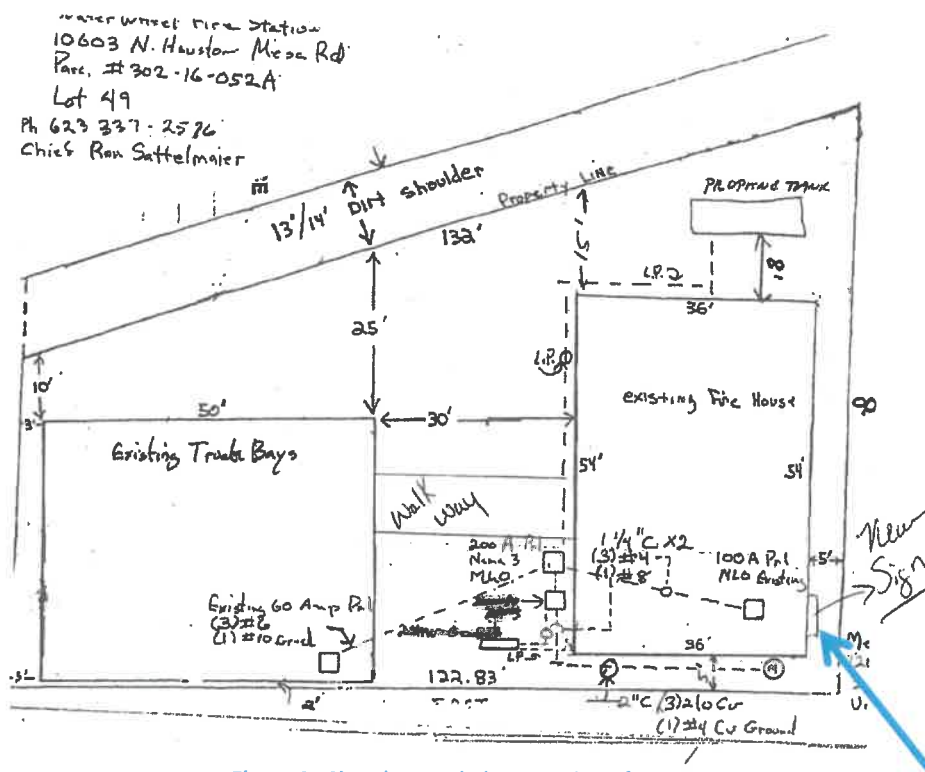


Figure 3: Site Plan Depicting Location of New Sign

IV. Analysis

Per Section 101.3.H of the Gila County Zoning Ordinance (“Zoning Ordinance”), a Variance shall only be granted under four criteria (see excerpt from Zoning Ordinance below):

A variance shall be granted under the following:

- a. Due to special circumstances applicable to the property, including its size, shape, topography, location, impact to adjoining property uses and destruction of vegetation, the strict application of these regulations will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.
- b. That a grant of a variance will be subject to conditions as will ensure that the adjustment authorized will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.
- c. The special circumstances applicable to the property are not self-imposed by any person presently having an interest in the property.
- d. The variance will not allow the establishment of a use which:
 - i. is not otherwise permitted in the zoning district;
 - ii. would result in the extension of a non-conforming use; or
 - iii. would change the zoning classification of any or all of the property.

Criteria A: While there are not necessarily special circumstances applicable to the Subject Property with regard to its size or configuration, granting the sign Variance should not have a negative impact on adjacent properties. Land to the west is vacant and the properties adjacent to the Subject Property on the east side of Houston Mesa Road have existed next to the fire and medical building for decades. The sign is replacing a sign that was in the same location on the building for the last 30 years. Also, the sign provides important information to the community related to events and meetings.

Criteria B: Granting a Variance for the sign will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity of the zoning district in which it is located. Other property owners in the area and within this zoning district have the ability to apply for a Variance for a similar circumstance.

Criteria C: Per the applicant, the sign company did not believe a permit was needed for the sign and therefore did not check the County’s sign requirements before designing and installing the sign. Staff does not believe the District itself created this hardship.

Criteria D: The granting of a Variance will not allow the establishment of a new use. The sign is a replacement of an existing sign. Additionally, granting the Variance will not result in the extension of a legal nonconforming use or change the zoning classification of the property.

V. Recommendation

Staff recommends that the Variance be granted to permit the 40 square foot replacement sign.

Should the Board of Adjustment agree, staff suggests the following motion for approval:

Motion to approve Gila County Variance Case Number V-19-01 to permit a 40 square foot sign on the Water Wheel Fire and Medical District building located at 10603 North Houston Mesa Road subject to the following condition:

- 1) The applicant shall contact the County and request a final inspection of the sign within 30 days of the Board of Adjustment approval.

745 N Rose Mofford Way
Globe Arizona 85501
(928)425-3231 Ext. 4224
FAX (928)425-0829



608 E. Hwy 260
Payson, Arizona 85541
(928)474-9276
FAX (928)474-0802

GILA COUNTY COMMUNITY DEVELOPMENT

To: Board of Adjustment
From: Michelle Dahlke, Senior Planner
CC: Scott Buzan, Community Development Director
RE: Variance Case Number V-19-01
Date: March 13, 2019

Dear Board Members,

The purpose of this memorandum is to correct information presented in the staff report with regard to the length of time the previous sign was located on the fire station (see the first paragraph under Section III of the staff report). The applicant has clarified that the original sign was a used sign that was installed on the building in 2005. The sign itself is thought to have been 30 years old at the time it was removed from the building.

LEGAL NOTICE
PUBLIC HEARING
GILA COUNTY

BOARD OF ADJUSTMENT AND APPEALS

NOTICE IS HEREBY GIVEN that the Gila County Board of Adjustment and Appeals will hold a public hearing on Thursday, March 21, 2019, at 9:00 a.m. to hear citizens who may wish to comment on Case No. V-19-01; Ron Sattelman for Water Wheel Fire and Medical District (Applicant), located at 10603 N. Houston Mesa Road, Payson, AZ (APN# 302-16-052A) and zoned Residence One District-Limited. The applicant is requesting a variance to allow a 40 square foot sign that is located on the fire house building to remain, where 6 square foot is the maximum size permitted in the zoning district.

The hearing will take place in the Gila County Board of Supervisors' Conference Room located at 610 E. Highway 260, Payson, AZ; and will be simultaneously telecast to the Community Development Conference Room located at 745 N. Rose Mofford Way, Globe, AZ.

Case No. V-19-01 is available for review at the offices of Gila County Community Development located at 745 N. Rose Mofford Way, Globe, AZ or 608 E. Highway 260, Payson, AZ between 8:00 a.m. to 5:00 p.m.

First Pub:03-06-19

Last Pub:03-24-19

LE2071